

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 SYNTRIX BIOSYSTEMS, INC.,) No. 3:10-cv-05870-BHS
11 Plaintiff,)
12 vs.) STIPULATED MOTION FOR APPROVAL
13 ILLUMINA, INC.,) OF SECURITY TO OBTAIN STAY OF
14 Defendant.) JUDGMENT
) NOTED: November 18, 2013
)

STIPULATION

Pursuant to Rule 62 of the Federal Rules of Civil Procedure, Defendant Illumina, Inc., seeks this Court's approval of the supersedeas bond attached hereto as **Exhibit A**, in the amount of \$115,900,000 in order to stay Plaintiff's enforcement of the monetary amounts awarded to Plaintiff in this Court's Amended Judgment in a Civil Action Order dated July 1, 2013 (Doc. No. 359), which amended the original Judgment entered on June 19, 2013 (Doc. No. 356), pending resolution of appeals by Illumina in this case. This bond is more than sufficient to secure the judgment of \$115,106,105, as well any taxable costs that may be hereafter awarded by this Court, and post-judgment interest that will accrue pending the appeal.

Plaintiffs Syntrix Biosystems, Inc. stipulates to Illumina's request, the form and amount of bond, and this Motion.

**STIPULATED MOTION FOR
APPROVAL OF SECURITY TO OBTAIN
STAY OF JUDGMENT -- 1**

No. 3:10-cv-05870-BHS

m42880-2065039.docx

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Pier 70, 2801 Alaskan Way ~ Suite 300
Seattle, Washington 98121-1128
(206) 624-8300/Fax: (206) 340-9599

1 Accordingly, Illumina asks the Court to approve Illumina's proposed supersedeas bond in
2 the total amount of \$115,900,000, attached hereto as **Exhibit A**, as security in order to obtain a
3 stay of Plaintiff's enforcement of the Judgment.
4

5 STIPULATED to this 18th day of November, 2013.

6 BRACEWELL & GUILIANI LLP

7 s/Alan D. Albright

8 Alan D. Albright, WSBA #44326
111 Congress Avenue, Suite 2300
Austin, TX 78701
alan.albright@bgllp.com

GRAHAM & DUNN PC

s/Diane M. Meyers

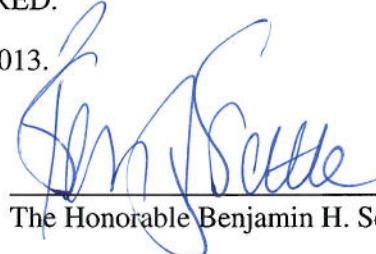
Diane M. Meyers, WSBA #40729
2801 Alaskan Way, Suite 300
Seattle, WA 98121
dmeyers@grahamdunn.com

10 ***

11 ORDER

12 Pursuant to STIPULATION, it is so ORDERED.

13 DATED this 18 day of November, 2013.

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The Honorable Benjamin H. Settle

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STIPULATED MOTION FOR
APPROVAL OF SECURITY TO OBTAIN
STAY OF JUDGMENT -- 2

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Exhibit A

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SYNTRIX BIOSYSTEMS, INC.,) No. 3:10-cv-05870-BHS
Plaintiff,)
vs.) SUPERSEDEAS BOND
ILLUMINA, INC.,) Bond Number: _____
Defendant.)
_____)

We, the defendant, as Principal, and Continental Casualty Company, as Surety, are held and firmly bound to the plaintiff in the maximum penal sum of \$115,900,000.00, to be paid to plaintiff (its successors or assign), for which payment well and truly to be made we bind ourselves, our successors, executors, administrators, or assigns, jointly and severally, by this instrument.

Whereas, on July 1, 2013, in the action pending in the above court, between the plaintiff and defendant, an amended judgment was rendered against defendant, and the defendant/appellant intends to file a Notice of Appeal from such judgment to the United States Court of Appeals for the Federal Circuit and to apply for an order of the District Court staying enforcement of such judgment during the pendency of the appeal.

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SUPERSEDEAS BOND -- 1

No. 3:10-cv-05870-BHS

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1 Now, therefore, the condition of this obligation is that if the defendant shall prosecute
2 their appeal to effect and shall satisfy the judgment in full, together with costs, interest, and
3 damages for delay if the appeal is finally dismissed or the judgment is affirmed or shall satisfy in
4 full such judgment as modified together with such costs, interests, and damages as the Court of
5 Appeals may adjudge and award, this obligation shall be void; otherwise it shall remain in full
6 service and effect.

7 Pursuant to Rule 8(b) of the Federal Rules of Appellate Procedure, CNA Surety, as the
8 sureties, hereby submit themselves to the jurisdiction of the District Court.

9 DATED this ____ day of November, 2013.
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11 Appellant/Principal _____ Surety _____
12 _____ Continental Casualty Company _____
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14 Address of Surety

15 APPROVED:
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17 United States District Judge
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SUPERSEDEAS BOND -- 2

No. 3:10-cv-05870-BHS

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